

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Crl.Misc. No.25261-M of 2007

Date of Decision:- 19.10.2007

Veerpal

....Petitioner(s)

through
Mr.S.K.Ladi, Advocate

vs.

State of Punjab

....Respondent(s)

through
Mr.Rajesh Bhardwaj, DAG, Punjab.

CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

- 1) Whether Reporters of the local papers may be allowed to see the judgment?
- 2) To be referred to the Reporters or not?
- 3) Whether the judgment should be reported in the Digest?

SURYA KANT, J. (ORAL)

The prayer in this petition is to release the petitioner on regular bail in case F.I.R. No.133 dated 14.5.2006 under Sections 304/34/302 IPC, registered at Police Station Sunam, District Sangrur.

The above-stated F.I.R. has been lodged on the statement of Sukhjot Kaur wife of Late Sukhdev Singh @ Sukha. She has, *inter alia*, alleged that when she along with her brother (Harbans Singh son of Baldev Singh) went towards their fields where her husband late Sukhdev Singh had already gone to take irrigation water as per his turn, they both witnessed that Raghu Bhul Joshi and Veerpal son of Prem (the present petitioner) who were armed with *Lathis* started chasing her husband. Binder Ram son of Raghu Bhul Joshi exhorted them that the complainant's husband should not escape unhurt and be taught a lesson. The complainant's husband started running ahead out of fear, however, he was knocked down by the accused

persons and various injuries were inflicted on his person with their respective weapons. The complainant and her brother chased the accused persons who allegedly fled from the spot. The complainant's husband was brought to their tubewell and even before he could be brought to Civil Hospital, Sunam, he unfortunately expired.

The petitioner was arrested on 22.5.2006 and is in custody since then.

As may be noticed from the allegations contained in the F.I.R., the deceased is alleged to have been done to death by inflicting injuries with *Lathis*.

The medical evidence, however, does not appear to be consistent with the ocular version of the complainant. As per the inquest report (Annexure P-3), no injury or marks were found to be existing on the dead body, though the visible cause of death is “due to beating”. As per the post-mortem report of the deceased (Annexure P-4), “no external marks of injury” were seen. According to the report of the Chemical Examiner (Annexure P-5), no poison was detected. Similarly, as per the opinion of the Medical Officer in the Civil Hospital, Sunam, the cause of death is “asphyxia due to aspiration of vomities which is ante mortem in nature.” The complainant as well as her brother, namely, the other eye witness have also been examined.

In this view of the matter, there appears to be no possibility of tampering with and/or influencing the same at the hands of the petitioner.

There is, however, no denial to the fact that about 15-16 witnesses are yet to be examined by the prosecution, therefore, conclusion of trial will take considerably long period.

After hearing learned counsel for the parties, however, without expressing any views on the merits of the case lest it should prejudice either of them, this petition is allowed. The petitioner is directed to be released on bail to the satisfaction of the Chief Judicial Magistrate, Sangrur.

October 19, 2007
poonam

(SURYA KANT)
JUDGE